

REMARKS

1. Claims

Claims 169-180 were pending in the subject application. By this Amendment, Applicants have amended claims 169, 170, 174, 175, 176, 178 and 179. Accordingly, upon entry of this Amendment, claims 169-180, as amended, will be pending and under examination.

Applicants maintain that the amendments to claims 169, 170, 174, 175, 176, 178 and 179 raise no issue of new matter. Amendments to claims 175, 176, 178 and 179 were made to correct the dependencies. Support for the amendments to claim 169 may be found inter alia on page 50, lines 22-31; page 51, lines 35-38; page 33, lines 28-30; page 33, line 36 through page 34, line 1; page 35, lines 8-11; Figure 1 and SEQ ID NO:1. Support for the amendments to claims 170 and 174 may be found inter alia on page 33, lines 28-30; page 33, line 36 through page 34, line 1; page 35, lines 8-11; Figure 1 and SEQ ID NO:1.

Applicants have amended the title of the invention, as recommended by the Examiner, to clearly reflect the invention to which the claims are directed. Applicants have further amended the specification to update the status of continuing applications.

Applicants maintain that the amendments to the claims, title and specification place the application in condition for allowance.

Accordingly, Applicants respectfully request that the Amendment be entered.

2. Information Disclosure Statement

On page 2 of the January 12, 2007 Office Action, the Examiner requested that Applicants submit a copy of reference PCT02/02744, which is listed in the IDS filed April 15, 2004.

Applicants hereby enclose a copy of PCT Publication No. WO02/02744 A2 (published January 10, 2002), along with Form PCT/SB/08a which lists the cited reference.

It is respectfully requested that the reference be considered by the Examiner and that an initialed copy of the accompanying PTO/SB/08a form be returned to the undersigned indicating that such information has been considered.

Authorization is hereby given to charge to Deposit Account No. 50-3201, ONE HUNDRED AND EIGHTY DOLLARS (\$180.00), which is the amount of the fee under 37 C.F.R. 1.17(p) for filing the Information Disclosure Statement.

3. Priority

On page 2 of the January 12, 2007 Office Action, the Examiner requested correction to the first sentence of the specification to update the status of parent application no. 09/885,478, which is now U.S. Patent No. 6,723,552.

By this Amendment, Applicants have amended the specification to indicate that application no. 09/885,478 is now U.S. Patent No. 6,723,552, issued April 20, 2004.

4. Specification

On page 2 of the January 12, 2007 Office Action, the Examiner requested a more descriptive title of the invention.

By this Amendment, Applicants have amended the title to "Methods of Identifying Melanin Concentrating Hormone Receptor Antagonists", as suggested by the Examiner.

5. Claim Objections

On page 3 of the January 12, 2007 Office Action, the Examiner objected to claims 179 and 180 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

In an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position, Applicants have amended claim 179, so that it depends from claim 178. To this end, claims 179 and 180 are now properly dependent from claim 178, which is drawn to a mammalian cell.

Applicants respectfully request that the Examiner withdraws the claim objections.

6. Rejection under 35 U.S.C. §112, second paragraph

On page 3 of the January 12, 2007 Office Action, the Examiner rejected claims 169-180 under 35 USC §112, second paragraph, for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6.1 The Examiner alleges that claims 169-180 are indefinite because the independent claims recite "consisting essentially of a nucleic acid", and the phrase "consisting essentially of" refers to compositions, so it is not clear how it pertains to a nucleic acid.

In an attempt to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position or the need for amendment, Applicants have amended claims 169, 170 and 174 to delete the phrase "consisting essentially of".

6.2 The Examiner further objects to the phrase in claims 169, 170 and 174 recite "wherein the human MCH1 receptor is an isolated nucleic acid consisting essentially of a nucleic acid encoding a human MCH1 receptor containing consecutive amino acids, the sequence of which is identical to the sequence of the human MCH1 receptor encoded by the consecutive nucleotides having a sequence...". The Examiner alleges that, first, the isolated nucleic acid is not the MCH1 receptor and that, second, it is not clear how reciting "is identical to" differentiates the receptor from the encoded receptor.

In order to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position or the need for amendment, Applicants have amended claims 169, 170 and 174 to recite "wherein the human MCH1 receptor is encoded by an isolated nucleic acid having consecutive nucleotides having 1) the sequence beginning with the start codon at positions 1-3, and ending at the stop codon at positions 1267-1269 as indicated in Figure 1 (SEQ ID NO: 1) or 2) the sequence beginning with the start codon at positions 16-18, and ending at the stop codon at positions 1267-1269 as indicated in Figure 1 (SEQ ID NO: 1)...".

6.3 The Examiner further alleges that claims 169 and 176-180 are indefinite because claim 169 is an incomplete claim. The Examiner alleges that there is no step of separately contacting cells with just the agonist so that a difference in activity (i.e. a decrease in MCH1 receptor activity) can be determined.

In order to advance the prosecution of the subject application, but without conceding the correctness of the Examiner's position or the need for amendment, Applicants have amended claim 169 as suggested by the Examiner.

In light of these amendments, Applicants respectfully request that the Examiner withdraw the rejection under 35 USC §112, second paragraph.

7. Advisory Information

On page 4 of the January 12, 2007 Office Action, the Examiner points out that Applicants may have intended claims 175, 176 and 178 to depend from claim 174 and not 172.

Applicants thank the Examiner for pointing out the typographical error in claims 175, 176 and 178. Applicants have amended claims 175, 176 and 178 to correct the dependencies.

8. Conclusion

In light of the remarks and amendments, Applicants respectfully request that the Examiner withdraw the various rejections and earnestly solicit allowance of the claims pending in the subject application, namely claims 169-180.


Applicants' undersigned attorney thanks the Examiner for the opportunity for a telephone interview on February 9, 2007 to discuss the claim amendments.

If another telephone interview would be of assistance in advancing prosecution of the above-identified application, the Examiner is invited to telephone Applicants' undersigned attorney at the number provided.

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No fee, other than the fee under 37 C.F.R. 1.17(p) for filing the Information Disclosure Statement, is deemed necessary in connection with the filing of this Amendment. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 50-3201.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Mary Catherine DiNunzio", is written over the printed name.

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